

Israel Stol et al
USSN 10/770,623
Filed February 2, 2004

Remarks

In his action, the Examiner rejected claims 29-35 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 8-9 of U.S. Patent No. 6,698,809. It is noted that the present application has been assigned to Alcoa, Inc. and further, that U.S. Patent No. 6,698,809 has also been assigned to Alcoa, Inc. Indeed, the present application is a continuation-in-part of application No. 10/108,040, now U.S. Patent No. 6,698,809. The present invention also has the same inventors as U.S. Patent 6,698,809.

Accordingly, a terminal disclaimer filed in compliance with 37 CFR 1.321(c) has been filed to overcome this rejection. The Examiner, therefore, is respectfully requested to withdraw his rejection of claims 1-5, and 8-9 of the present application.

In his action, the Examiner also rejected claims 1-17 and 19-28 under 35 USC 102(e) as anticipated by or, in the alternative under 35 USC 103(a) as obvious over claims 1-17 and 19-28 of U.S. Patent No. 6,598,923 because the claims of the present application differ only in the use of flash welding.

It is noted that U.S. Patent 6,598,923 had been assigned to Alcoa, Inc. at the time the application for it was filed, and that the present application had also been assigned to Alcoa, Inc. at the time it was filed.

It is also noted that the present application is a continuation-in-part of application no. 10/108,040, which was a continuation-in-part of application No. 09/990,807, which is now U.S. patent No. 6,598,923.

Accordingly, it is believed that the double patenting rejection of claims 1-7 and 19-28 has been overcome. The Examiner, therefore, is respectfully requested to withdraw his rejection of claims 1-7 and 19-28.

The Examiner, further, rejected the drawings as not showing every feature of the invention specified in the claims. Claim 18 has accordingly been amended to remove the

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phrase "raised surface" and replace it by the phrase "raised face", and the specification has been amended to support this language. It is believed that no new information has been added with this change of terminology inasmuch as Figure 3 clearly shows the shape of the relevant component, which is alternative cap member 46' including a first face 50 and raised second face 52' surrounding recessed portion 62. The Examiner, therefore, is respectfully requested to withdraw his objection to the drawings.

The Examiner, furthermore, objected to claim 18 as depending upon a rejected base claim. Claim 18 depends from claim 1, which, by the showing of common ownership made above, is now believed to be allowable. It is noted that claim 18 has been amended to clarify the terminology, but, as discussed above, no new information was added. The Examiner, therefore is respectfully requested to withdraw his rejection of claim 18.

It is respectfully submitted that the present application is in condition for allowance, and an early notice of allowance is earnestly solicited. If the Examiner would like to suggest changes of a formal nature to place this application in better condition for allowance, a telephone call to Applicants' undersigned agent would be appreciated.

Respectfully submitted,

Edmond S. Miksch

Edmond S. Miksch
Agent for Applicants
Reg. No. 38,558
Tele. No. 724-337-6165



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